

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK: PART JURY 5

-----X  
THE PEOPLE OF THE STATE OF NEW YORK

-against-

DECISION AND ORDER  
DOCKET NO.: 2013NY050589

HELEEN MEES,

Defendant.

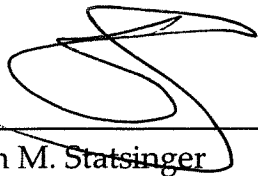
-----X  
STEVEN M. STATSINGER, J.

Defendant's motion to vacate the judgment pursuant to CPL §440.10 is denied. A prerequisite to the availability of this remedy is that a conviction has been entered against the defendant. CPL §§440.10, 1.20(15).

Here, a conviction was not entered against the defendant. A conviction "means the entry of a plea of guilty to, or a verdict of guilty upon, an accusatory instrument other than a felony complaint, or to one or more counts of such instrument." CPL §1.20(13). An ACD is not a conviction or an admission of guilt. CPL §170.55(8). As such, 440.10 relief is unavailable in this case.

This constitutes the Decision and Order of the Court.

Dated: October 30, 2018  
New York, New York

  
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Steven M. Statsinger  
Judge of the Criminal Court